

Amendment No. 1 to HB2606

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2704*

House Bill No. 2606

By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-35-102, is amended by adding a new item thereto, as follows:

() "Commission" means the private investigation, polygraph and private protective services commission, created by § 62-26-301;

SECTION 2. Tennessee Code Annotated, Section 62-35-103(a)(8), is amended by deleting the language "the commissioner" and by substituting instead the language "commission".

SECTION 3.

(a) Tennessee Code Annotated, Section 62-35-103(a)(10), is amended by deleting the language "approved by the commissioner" and by substituting instead the language "approved by the commission".

(b) Tennessee Code Annotated, Section 62-35-103(a)(10), is further amended by deleting the language "The commissioner shall approve" and by substituting instead the language "The commission or the commission's designee shall approve".

SECTION 4. Tennessee Code Annotated, Section 62-35-103(b)(3), is amended by deleting the language "commissioner" and by substituting instead the language "commission or the commission's designee".

SECTION 5. Tennessee Code Annotated, Section 62-35-104, is amended by deleting the language "commissioner" and by substituting instead the language "commission".

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SECTION 6. Tennessee Code Annotated, Section 62-35-105(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 7. Tennessee Code Annotated, Section 62-35-105(a)(6), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 8. Tennessee Code Annotated, Section 62-35-106(6)(C), is amended by deleting the language “by the commissioner”.

SECTION 9. Tennessee Code Annotated, Section 62-35-107(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 10. Tennessee Code Annotated, Section 62-35-107(b), is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 11. Tennessee Code Annotated, Section 62-35-107(c), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 12. Tennessee Code Annotated, Section 62-35-110(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission or the commission’s designee”.

SECTION 13. Tennessee Code Annotated, Section 62-35-110(b), is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 14. Tennessee Code Annotated, Section 62-35-110(c), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

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SECTION 15. Tennessee Code Annotated, Section 62-35-111(a)(1), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 16. Tennessee Code Annotated, Section 62-35-111(b), is amended by deleting the language “The commissioner may, in the commissioner’s discretion” and by substituting instead the language “The commission may, in the commission’s discretion”.

SECTION 17. Tennessee Code Annotated, Section 62-35-112, is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 18.

(a) Tennessee Code Annotated, Section 62-35-113(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

(b) Tennessee Code Annotated, Section 62-35-113(b), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 19. Tennessee Code Annotated, Section 62-35-114, is amended in the third sentence by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 20. Tennessee Code Annotated, Section 62-35-115(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 21.

(a) Tennessee Code Annotated, Section 62-35-116(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

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(b) Tennessee Code Annotated, Section 62-35-116(b), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 22. Tennessee Code Annotated, Section 62-35-117(6), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 23. Tennessee Code Annotated, Section 62-35-118(a)(5), is amended by deleting the language “the commissioner shall require appropriate training” and by substituting instead the language “the commission shall require appropriate training”.

SECTION 24. Tennessee Code Annotated, Section 62-35-118(a)(5), is further amended by deleting the language “upon demand by the commissioner or the commissioner’s duly authorized agent” and by substituting instead the language “upon demand by the commission or the commission’s duly authorized agent”.

SECTION 25. Tennessee Code Annotated, Section 62-35-118(b)(2), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 26. Tennessee Code Annotated, Section 62-35-118(c), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 27. Tennessee Code Annotated, Section 62-35-118(d)(3), is amended by deleting the language “commissioner” and “commissioner’s” and by substituting instead the language “commission” and commission’s” respectively.

SECTION 28. Tennessee Code Annotated, Section 62-35-119(a), is amended by deleting the language “commissioner” and by substituting instead the language “commission”.

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SECTION 29. Tennessee Code Annotated, Section 62-35-119(b), is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 30. Tennessee Code Annotated, Section 62-35-119(c), is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 31.

(a) Tennessee Code Annotated, Section 62-35-120(a), is amended by deleting the language “commissioner” and “commissioner’s” and by substituting instead the language “commission” and commission’s” respectively.

(b) Tennessee Code Annotated, Section 62-35-120(b), is amended by deleting the language “commissioner” and “commissioner’s” and by substituting instead the language “commission” and commission’s” respectively.

SECTION 32. Tennessee Code Annotated, Section 62-35-122, is amended in subsections (b), (c) and (d) by deleting the language “commissioner” and by substituting instead the language “commission”.

SECTION 33. Tennessee Code Annotated, Section 62-35-123, is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 34. Tennessee Code Annotated, Section 62-35-124, is amended by deleting the language “commissioner” and “commissioner’s” wherever it may be found and by substituting instead the language “commission” and commission’s” as appropriate.

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SECTION 35. Tennessee Code Annotated, Section 62-35-125, is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 36. Tennessee Code Annotated, Section 62-35-126, is amended in subsections (f) and (g) by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 37.

(a) Tennessee Code Annotated, Section 62-35-129, is amended by deleting the language “commissioner” and “commissioner’s” wherever it may be found and by substituting instead the language “commission” and commission’s” as appropriate.

(b) Tennessee Code Annotated, Section 62-35-129, is further amended by deleting subsection (c) in its entirety.

SECTION 38. Tennessee Code Annotated, Section 62-35-130, is amended by deleting the language “commissioner” wherever it may be found and by substituting instead the language “commission”.

SECTION 39. Tennessee Code Annotated, Section 62-35-131(d), is amended by deleting the language “commissioner” and “commissioner’s” wherever it may be found and by substituting instead the language “commission” and commission’s” as appropriate.

SECTION 40. Tennessee Code Annotated, Section 62-35-132, is amended by deleting the language “commissioner” and by substituting instead the language “commission or the commission’s designee”.

SECTION 41.

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(a) Tennessee Code Annotated, Section 62-35-133, is amended by deleting the language "The commissioner shall provide" and by substituting instead the language "The commission or the commission's designee shall provide".

(b) Tennessee Code Annotated, Section 62-35-133, is further amended in subdivision (2) by deleting the language "as the commissioner may fix" and by substituting instead the language "as the commission may fix".

SECTION 42. Tennessee Code Annotated, Section 62-27-102(1), is amended by deleting item (1) in its entirety and by substituting instead the following:

(1) "Commission" means the private investigation, polygraph and private protective services commission, created by § 62-26-301;

SECTION 43. Tennessee Code Annotated, Section 62-26-301(a), is amended by deleting the language "Tennessee private investigation and polygraph commission" and by substituting instead the language "Tennessee private investigation, polygraph and private protective services commission".

SECTION 44. Tennessee Code Annotated, Section 62-26-301(b), is amended by deleting the language "Seven (7)" and by substituting instead the language "Four (4)".

SECTION 45. Tennessee Code Annotated, Section 62-26-301(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Of the remaining five (5) members of the commission, one (1) shall be the owner or manager of a proprietary security organization as defined in § 62-35-102, one (1) shall be owner or principal corporate officer of a contract security company as defined in § 62-35-102, one (1) shall be a either an armed security officer/guard or a

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security officer/guard, one (1) member shall be a polygraph examiner licensed pursuant to chapter 27 of this title, and one (1) member shall be a person who is not engaged in or conducting the business of, or acting in the capacity of, a private investigator, polygraph examiner, or security officer/guard.

SECTION 46.

(a) Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting item (51) in its entirety.

(b) Tennessee Code Annotated, Section 4-29-226(a), is amended by deleting item (33) in its entirety and by substituting instead the following:

(33) Private investigation, polygraph and private protective services commission, created pursuant to § 62-26-301;

SECTION 47. It is the intent of this act that appointments made pursuant to this act to the private investigation, polygraph and private protective services commission be made to vacancies on the existing private investigation and polygraph commission and that no members currently serving on the commission shall be replaced.

SECTION 48. All rules promulgated pursuant to the authority authorized in title 62, chapter 35, shall remain in full force and effect, and shall thereafter be administered by the private investigation, polygraph and private protective services commission, and all proposed rules pending with the attorney general and reporter or secretary of state, unless withdrawn, shall continue that status as proposed rules until becoming effective as rules of the private investigation, polygraph and private protective services commission.

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SECTION 49. For the purpose of appointing members to the private investigation, polygraph and private protective services commission and for promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2003, the public welfare requiring it.

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